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CLERK OF DISTRICT COURT  
CENTRAL DISTRICT OF CALIF.  
LOS ANGELES

10  
11 UNITED STATES DISTRICT COURT  
12 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION  
13

14 GLENN DANZIG, an individual,  
15 Plaintiff,  
16

17 vs.

18 GERALD CAIAFA, an individual;  
19 CYCLOPIAN MUSIC, INC., a  
20 corporation; and DOES 1 through 10,  
21 inclusive,  
22

23 Defendants.

CASE NO. CV14-2540 RGK-RZ

COMPLAINT for

- 1) Breach of Contract
- 2) Violation of Lanham Act
- 3) Interference with Prospective Business Advantage
- 4) Accounting
- 5) Declaratory Relief

JURY TRIAL DEMANDED

24 Plaintiff Glenn Danzig ("Danzig") alleges as follows:

25 **THE PARTIES**

26 1. Plaintiff Glenn Danzig is and at all times material herein has been an  
27 internationally known recording artist and a resident of Los Angeles, California.

28 2. On information and belief, defendant Gerald Caiafa ("Caiafa") is and at  
all times material herein has been a resident of the State of New Jersey.

3. On information and belief, defendant Cyclopien Music, Inc.  
("Cyclopien") is a corporation organized and existing under the laws of the State of  
New Jersey. References hereinafter to "Caiafa" include Cyclopien.

4. Defendants Does 1 through 10, inclusive, are sued herein under  
fictitious names. Their true names and capacities are unknown to Danzig. When

1 their true names and capacities are ascertained, Danzig will amend this complaint by  
 2 inserting their true names and capacities herein. Upon information and belief, each  
 3 defendant named herein as a Doe acted with defendants and is responsible for the  
 4 damages to Danzig herein alleged. Each reference in this complaint to any  
 5 defendant also refers to all defendants sued under fictitious names.

6 5. Upon information and belief, at all times material herein each of the  
 7 defendants was the agent and employee of the other defendants and in doing the  
 8 things hereinafter alleged was acting within the course and scope of such agency  
 9 and employment.

#### 10 **JURISDICTION AND VENUE**

11 6. This Court has subject matter jurisdiction herein under the Lanham Act,  
 12 15 U.S.C. § 1125, the Declaratory Judgment Act, 28 U.S.C. §§ 2201-02, and  
 13 pursuant to 28 U.S.C. §1332 (a)(1), in that Danzig is a citizen of the State of  
 14 California, defendants are citizens of the State of New Jersey, and the amount in  
 15 controversy exceeds \$75,000, exclusive of interest and costs. In addition, this Court  
 16 has subject matter jurisdiction over Danzig's state law claims pursuant to 28 U.S.C.  
 17 §§ 1331 and 1367(a).

18 7. Venue lies within this Court pursuant to 28 U.S.C. § 1391(b)(2), in that  
 19 a substantial part of the events and omissions giving rise to the claims alleged herein  
 20 occurred, and a substantial amount of property that is the subject of this action is  
 21 situated, in this district.

#### 22 **FACTS APPLICABLE TO ALL CLAIMS FOR RELIEF**

23 8. In 1977, Danzig founded the seminal "horror punk" rock group The  
 24 Misfits. Danzig was the creative force behind The Misfits.

25 9. After forming the band, Danzig replaced the original bass player with  
 26 Caiafa, whose primary qualification was that he had recently received a bass guitar  
 27 for Christmas.

28 10. The Misfits were a prominent part of the punk rock scene until 1983,

1 when they disbanded because Danzig decided to pursue other projects.

2 11. Danzig was the creative force behind The Misfits and was solely  
3 responsible for the band's success and its continuing enormous influence on popular  
4 music, including not only punk rock, but also heavy metal, alternative rock and  
5 other genres. Danzig wrote the vast majority of the music and lyrics of all of The  
6 Misfits songs.

7 12. Danzig also was responsible for The Misfits placing skeletal patterns  
8 and motifs in their performances, including what became known as the "Fiend  
9 Skull." The skeletal figure and the Fiend Skull became Misfits logos. Caiafa did  
10 not design the logo.

11 13. Among fans, 1977-1983 is known as the "Classic Misfits Era" by virtue  
12 of Danzig's founding and creative leadership of the group during that period.

13 14. After disbanding The Misfits, Danzig continued to perform The Misfits  
14 songs in live performances, to sell merchandise bearing The Misfits name, and to  
15 refer to The Misfits in interviews and during performances.

16 15. In contrast, after the 1983 breakup of The Misfits, Caiafa disavowed  
17 involvement with The Misfits material, telling one interviewer in 1989 "We're not  
18 back to sell you the Misfits because we want to let Glenn [Danzig] sell them."  
19 Caiafa worked at his father's factory and formed a Christian oriented group called  
20 "Kryst the Conqueror."

21 16. Danzig's post-Misfits popular success led to renewed interest in The  
22 Misfits. In the late 1980s The Misfits' albums were reissued and new compilations  
23 of The Misfits' music were released. In the early 1990s, some of the world's most  
24 successful bands, including Metallica and Guns N' Roses, recorded and released  
25 The Misfits' songs.

26 17. In 1992, seeing opportunity in the response to The Misfits' music's  
27 resurgence, Caiafa and other former Misfits members filed a lawsuit against Danzig  
28 (the "1992 lawsuit") in the United States District Court for the Southern District of

1 New York, in which they claimed, among other things, the exclusive right to use  
2 The Misfits' name and associated logos and artwork.

3 18. On December 31, 1994, the parties to the 1992 lawsuit entered into a  
4 written settlement agreement (the "1994 Agreement"). Danzig entered into the 1994  
5 Agreement in Los Angeles, California and, on information and belief, Caiafa  
6 entered into it in New York, New York.

7 19. The 1994 Agreement contained a paragraph entitled "Merchandising"  
8 that provided that Danzig, on the one hand, and Caiafa and certain other parties to  
9 the 1994 Agreement aligned with Caiafa on the other hand, would share ownership  
10 of The Misfits' name, trademarks, logos and artwork in existence during the Classic  
11 Misfits Era. Among other things, the agreement provided as follows:

12 "The Plaintiffs and Danzig shall each have the non-  
13 exclusive right to conduct merchandising and to exploit  
14 other rights relating to the use and exploitation of the  
15 name 'Misfits' and accompanying logos and artwork  
16 except that neither party shall use the names, likenesses  
17 and visual representations of the members of the other  
18 party without written consent."

19 20. Thereafter, Danzig and Caiafa both used The Misfits name, trademarks,  
20 logos and artwork. Danzig performed Misfits songs in live performances, including  
21 with original Misfits member Doyle Caiafa (Caiafa's brother); spoke to audiences  
22 about The Misfits and their music; and licensed The Misfits name, trademark, logos  
23 and artwork on merchandise including tee shirts, caps, and other items.

24 21. In or about 1995, to capitalize on the resurgent popularity of The  
25 Misfits, Caiafa formed an entirely new group which he called "The Misfits."  
26 Caiafa's registrations and attempted registrations of The Misfits related trademarks  
27 and his attempts to obtain exclusive rights to their use is a fraudulent effort to  
28 capitalize on The Misfits' and Danzig's popularity and Danzig's goodwill as the

creative force behind The Misfits and as a still-successful recording artist, composer and performer, calculated to deceive consumers into believing that Danzig endorses Caiafa's exclusive use of the Marks in connection with his imitation misfits.

**Caiafa's Fraudulent Assertion of Exclusive Ownership of the Marks**

22. Caiafa has breached the 1994 Agreement by filing trademark registration applications seeking to misappropriate for himself exclusive ownership of The Misfits' name, logo and artwork, as follows:

**The Registered Marks**

a) On or about October 2, 2000, without Danzig's knowledge or consent, Caiafa filed an application with the United States Patent and Trademark Office (the "PTO") to register the trademark "MISFITS," Serial Number 76138226, for International Class 041 goods, in which he fraudulently concealed Danzig's co-ownership of that mark and fraudulently stated that the first use of the mark was October 5, 1999. On December 16, 2003, the PTO registered that mark under Registration Number 2793533.

b) On or about November 20, 2000, without Danzig's knowledge or consent, Caiafa filed an application with the PTO to register the trademark "MISFITS," Serial Number 76167459, for International Classes 16 and 41 goods, in which he fraudulently concealed Danzig's co-ownership of that mark and fraudulently stated that the first use of the mark was April 19, 1994. On October 2, 2002, the PTO registered that Mark under Registration Number 2634215.

c) On or about November 20, 2000, without Danzig's knowledge or consent, Caiafa filed an application with the PTO to register a trademark consisting of the word "MISFITS" in stylized script, Serial Number 76152924, for International Classes 9, 16 and 25 goods, in which he fraudulently concealed Danzig's co-ownership of that mark and fraudulently stated that the first use of the mark was April 19, 1994. On July 15, 2003, the PTO registered that Mark under Registration Number 2735945.

1 d) On or about April 29, 2000, without Danzig's knowledge or consent,  
 2 Caiafa filed an application with the PTO to register a trademark consisting of a  
 3 stylized skull referred to as the "Fiend Skull" (the "Fiend Skull") Serial Number  
 4 76402336, for International Class 14 goods, in which he fraudulently concealed  
 5 Danzig's co-ownership of that mark and represented that that the first use of the  
 6 mark was October 1, 1978. On October 7, 2003, the PTO registered that Mark  
 7 under Registration Number 2770984.

8 e) PTO Registration Numbers 2793533, 2634215, 2735945 and 2770984  
 9 are referred to collectively hereinafter as the "Registered Marks."

#### 10 **The Pending Application Marks**

11 a) On or about August 3, 2004, without Danzig's knowledge or consent,  
 12 Caiafa filed an application with the PTO to register a trademark consisting of the  
 13 word "MISFITS", Serial Number 76605515, for International Class 25 goods, in  
 14 which he fraudulently concealed Danzig's co-ownership of that mark and  
 15 fraudulently stated that the first use of the mark was April 19, 1994.

16 b) On or about August 3, 2004, without Danzig's knowledge or consent,  
 17 Caiafa filed an application with the PTO, Serial Number 76605840, to register a  
 18 trademark consisting of the word "MISFITS" in the same stylized script as the mark  
 19 registered as Registration Number 2735945, for International Class 25 goods, in  
 20 which he fraudulently concealed Danzig's co-ownership of that mark and  
 21 fraudulently stated that the first use of the mark was April 19, 1994. Serial Numbers  
 22 76605515 and 76605840 are referred to collectively hereinafter as the "Pending  
 23 Application Marks." The Registered Marks and the Pending Application Marks are  
 24 referred to collectively hereinafter as the "Marks."

25 23. On November 5, 2005, Danzig filed a cancellation proceeding with the  
 26 Trademark Trial Appeals Board (the "TTAB") to cancel PTO Registration Numbers  
 27 2793533, 2634215, and 2735848, Cancellation Number 92045173.

28 24. On October 6, 2008, Danzig filed a cancellation proceeding with the



1 TTAB to cancel PTO Registration No. 2770984, Cancellation Proceeding  
2 92050014.

3 25. On March 7, 2008, Danzig filed an opposition proceeding with the  
4 TTAB opposing registration of Serial Number 76605515, Opposition proceeding  
5 76605515.

6 26. On May 9, 2008, Danzig filed an opposition proceeding with the TTAB  
7 opposing registration of Serial Number 76605840, Opposition proceeding  
8 91184044.

9 27. The above-referenced cancellation and opposition proceedings are  
10 referred to collectively hereinafter as the "TTAB Proceedings." The gravamen of  
11 the TTAB proceedings is that, pursuant to the 1994 Agreement, Danzig co-owns  
12 each of the Marks, that Caiafa's application to register the Marks failed to identify  
13 the correct owners of the Marks; and that Caiafa's applications to register the Marks  
14 were fraudulent because Caiafa knowingly and intentionally failed to disclose  
15 Danzig's co-ownership and, except for the Fiend Skull, misrepresent the first use of  
16 the marks as having been after the date that Danzig disbanded The Misfits, all in an  
17 effort to deny Danzig his contractual and legal rights in the Marks.

### 18 **FIRST CLAIM FOR RELIEF**

19 (For Breach of Contract)

20 28. Danzig incorporates by reference as though fully set forth paragraphs 1  
21 through 27 above.

22 29. Danzig has performed all conditions, covenants and promises required  
23 on his part to be performed under the 1994 Agreement, except those that Caiafa has  
24 waived or that were rendered impossible to perform.

25 30. Caiafa has breached and continues to breach the 1994 Agreement by  
26 applying for and pursuing exclusive ownership of the Marks.

27 31. Caiafa has further breached and continues to this day to breach the  
28 1994 Agreement by notifying merchandisers that any license to exploit the Marks

1 must be conditioned on the merchandisers' agreements not to enter into license  
2 agreements with Danzig for use of the Marks and to pay monetary penalties if they  
3 enter into agreements with Danzig or his designees to exploit the Marks.

4 32. As a result of Caiafa's breaches of the 1994 Agreement, Danzig has  
5 suffered damages in the form of lost opportunities to exploit the Marks, in an  
6 amount in excess of \$75,000 to be proved at trial, plus interest at the legal rate.

## 7 **SECOND CLAIM FOR RELIEF**

8 (For Violation of the Lanham Act, 15 U.S.C. § 1125(a))

9 33. Danzig incorporates by reference as though fully set forth paragraphs 1  
10 through 32 above.

11 34. Caiafa has prevented and continues to prevent other retailers, including  
12 Hot Topic, which is the largest retailer of The Misfits products, from entering into  
13 licenses with Danzig and/or his designee to merchandise products bearing the Fiend  
14 Skull and other Marks by falsely instructing the merchandisers that he is the  
15 exclusive owner of the Marks, and that, if they enter into a license agreement with  
16 Danzig to exploit the Marks, they must pay Caiafa a license fee and/or a significant  
17 monetary penalty. Among others, Caiafa directed such threats specifically to  
18 merchandiser Hot Topic in Los Angeles, the location of Hot Topic's corporate  
19 offices, causing Hot Topic to refuse to license the Fiend Skull from Danzig to this  
20 day.

21 35. Caiafa has purposefully led merchandisers, including Hot Topic, to  
22 believe that they are legally bound not to accept licenses to exploit the Marks from  
23 Danzig or his designees, and Caiafa continues to do so.

24 36. Caiafa's misrepresentations have proximately caused injury to Danzig  
25 by causing merchandisers not to do business with him, and have deceived  
26 consumers as to the source of merchandise bearing the Marks, because the vast  
27 majority of The Misfits fans associate the Marks with the 1977-1983 Classic Misfits  
28 Era when Danzig was the creative heart of The Misfits, and not with Caiafa's



1 imitation misfits.

2 37. Caiafa's false advertising and misrepresentations to merchandisers and  
3 consumers have caused Danzig to suffer damages in excess of \$75,000, plus interest  
4 at the legal rate.

### 5 **THIRD CLAIM FOR RELIEF**

6 (Interference with Prospective Business Advantage)

7 38. Danzig incorporates by reference as though fully set forth paragraphs 1  
8 through 37, above.

9 39. Had Caiafa not interfered with Danzig's ability to exploit the Marks,  
10 Danzig or his designee would have entered into lucrative agreements to license the  
11 Marks to merchandisers, including Hot Topic.

12 40. Caiafa knows and at all times material herein has known that Danzig  
13 has the contractual and legal right to exploit the Marks and that the public associates  
14 the Marks with Danzig, not with Caiafa.

15 41. Caiafa has intentionally disrupted the economic relationship between  
16 Danzig and merchandisers, including Hot Topic, by use of threats and intimidation,  
17 including threats to withhold licensing rights to the Marks from merchandisers and  
18 by charging merchandisers penalties for doing business with Danzig and his  
19 licensees.

20 42. As a direct and proximate result of Caiafa's false representations,  
21 threats and intimidation, Danzig's ability to exploit the Marks has been greatly  
22 limited, causing him to suffer lost profits in excess of \$75,000, plus interest at the  
23 legal rate.

24 43. Caiafa's aforementioned conduct was done with the intention to  
25 deprive Danzig of property and legal rights and otherwise to cause injury, and was  
26 despicable conduct that subjected Danzig to cruel and unjust hardship in conscious  
27 disregard of his rights, so as to justify an award of exemplary and punitive damages.

28 ///

**FOURTH CLAIM FOR RELIEF**

(For Declaratory Relief)

44. Danzig incorporates by reference as though fully set forth paragraphs 1 through 43 above.

45. Danzig contends that he is a co-owner of the Marks and that Caiafa's registration of the Registered Marks and applications to register the Pending Application Marks were and are fraudulent as to the United States Patent and Trademark Office, designed to mislead consumers and merchandisers, and in breach of Caiafa's obligations to Danzig under the 1994 Agreement.

46. On information and belief, Caiafa asserts that he is the exclusive owner of the Marks.

47. Danzig therefore seeks a declaration that he is a co-owner of the Marks, that Caiafa's registration of the Registered Marks was fraudulent and in breach of the 1994 Agreement and that such registrations should be cancelled; and that Caiafa's attempt to register the Pending Application Marks is fraudulent and in breach of the 1994 Agreement and should be rejected.

**FIFTH CLAIM FOR RELIEF**

(For an Accounting)

48. Danzig incorporates by reference as though fully set forth paragraphs 1 through 47 above.

49. Balances are due from Caiafa to Danzig for revenues that Caiafa has received by preventing merchandisers from doing business with Danzig.

50. The exact amount of money due from Caiafa is unknown to Danzig and can only be ascertained through an accounting. Danzig seeks an order from this Court directing Caiafa to provide him with an accounting and payment of the amount due as a result of the accounting, plus interest.

///

///

1 WHEREFORE, Danzig prays for judgment as follows:

2 1. For damages, plus interest at the legal rate;

3 2. For a declaration that Danzig is a co-owner of the Marks and that  
4 Caiafa is not entitled to exclusive ownership of the Marks or to their registration in  
5 his or Cyclopien's name;

6 3. For preliminary and permanent injunctive relief prohibiting Caiafa  
7 from further prosecuting the applications for registration of the Pending Application  
8 Marks or filing further applications without identifying Danzig as a co-owner;

9 4. For punitive and exemplary damages;

10 5. For an accounting;

11 6. For a constructive trust; and

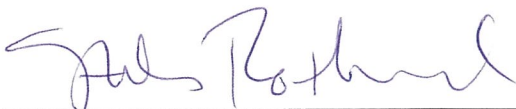
12 7. For such other and further relief as the Court deems just and proper.

13 DATED: April 2, 2014

KING, HOLMES, PATERNO &  
BERLINER, LLP

15

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By: 

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STEPHEN D. ROTHSCHILD

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Attorneys for Plaintiff GLENN DANZIG

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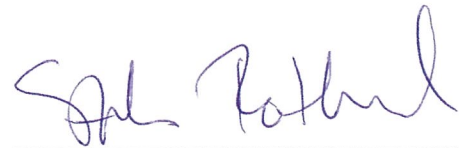
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**REQUEST FOR JURY TRIAL**

Plaintiff respectfully requests a trial by jury for the claims asserted herein.

DATED: April 2, 2014

KING, HOLMES, PATERNO &  
BERLINER, LLP

By: 

STEPHEN D. ROTHSCILD  
Attorneys for Plaintiff GLENN DANZIG

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET

I. (a) PLAINTIFFS (Check box if you are representing yourself ☐)  
GLENN DANZIG, an individual

DEFENDANTS (Check box if you are representing yourself ☐)  
GERALD CAIAFA, et al.

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same information.)

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(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same information.)

## II. BASIS OF JURISDICTION (Place an X in one box only)

- ☐ 1. U.S. Government Plaintiff  
☐ 2. U.S. Government Defendant  
☒ 3. Federal Question (U.S. Government Not a Party)  
☐ 4. Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only  
(Place an X in one box for plaintiff and one for defendant)

- |   |                                       |                                       |   |                            |                            |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
|   | PTF                                   | DEF                                   |   | PTF                        | DEF                        |
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1            | Incorporated or Principal Place of Business in this State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. ORIGIN (Place an X in one box only.)

- ☒ 1. Original Proceeding  
☐ 2. Removed from State Court  
☐ 3. Remanded from Appellate Court  
☐ 4. Reinstated or Reopened  
☐ 5. Transferred from Another District (Specify)  
☐ 6. Multi-District Litigation

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)

CLASS ACTION under F.R.Cv.P. 23: ☐ Yes ☒ No ☒ MONEY DEMANDED IN COMPLAINT: \$ 75,000

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
15 U.S.C. Section 1125; false advertising.

## VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	<b>Habeas Corpus:</b>	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b>	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input checked="" type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	<b>PERSONAL PROPERTY</b>	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 530 General	<b>SOCIAL SECURITY</b>
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 310 Airplane	<b>PERSONAL PROPERTY</b>	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<b>Other:</b>	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 340 Marine	<b>BANKRUPTCY</b>	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<b>FORFEITURE/PENALTY</b>	<b>FEDERAL TAX SUITS</b>
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<b>CIVIL RIGHTS</b>	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 893 Environmental Matters	<b>REAL PROPERTY</b>	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 440 Other Civil Rights	<b>LABOR</b>	
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 740 Railway Labor Act	
<input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 751 Family and Medical Leave Act	
			<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 790 Other Labor Litigation	
			<input type="checkbox"/> 448 Education	<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	

FOR OFFICE USE ONLY:

Case Number:

CV14-2540



**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**CIVIL COVER SHEET**

**VIII. VENUE:** Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

<b>Question A: Was this case removed from state court?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	<b>STATE CASE WAS PENDING IN THE COUNTY OF</b>		<b>INITIAL DIVISION IN CAGD'S</b>
	<input type="checkbox"/> Los Angeles		Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo		Western
	<input type="checkbox"/> Orange		Southern
	<input type="checkbox"/> Riverside or San Bernardino		Eastern

<b>Question B: Is the United States, or one of its agencies or employees, a party to this action?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	If the United States, or one of its agencies or employees, is a party, is it:		<b>INITIAL DIVISION IN CAGD'S</b>
	<b>A PLAINTIFF?</b>	<b>A DEFENDANT?</b>	
	Then check the box below for the county in which the majority of DEFENDANTS reside:	Then check the box below for the county in which the majority of PLAINTIFFS reside:	
	<input type="checkbox"/> Los Angeles	<input type="checkbox"/> Los Angeles	Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	Western
	<input type="checkbox"/> Orange	<input type="checkbox"/> Orange	Southern
	<input type="checkbox"/> Riverside or San Bernardino	<input type="checkbox"/> Riverside or San Bernardino	Eastern
<input type="checkbox"/> Other	<input type="checkbox"/> Other	Western	

<b>Question C: Location of plaintiffs, defendants, and claims?</b>	<b>A Los Angeles County</b>	<b>B Ventura, Santa Barbara, or San Luis Obispo Counties</b>	<b>C Orange County</b>	<b>D Riverside or San Bernardino Counties</b>	<b>E Outside the Central District of California</b>	<b>F Other</b>
Indicate the location in which a majority of plaintiffs reside:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of defendants reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Indicate the location in which a majority of claims arose:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>C.1. Is either of the following true? If so, check the one that applies:</b> <input type="checkbox"/> 2 or more answers in Column C <input type="checkbox"/> only 1 answer in Column C and no answers in Column D  Your case will initially be assigned to the <b>SOUTHERN DIVISION.</b> Enter "Southern" in response to Question D, below. If none applies, answer question C2 to the right. ➡	<b>C.2. Is either of the following true? If so, check the one that applies:</b> <input type="checkbox"/> 2 or more answers in Column D <input type="checkbox"/> only 1 answer in Column D and no answers in Column C  Your case will initially be assigned to the <b>EASTERN DIVISION.</b> Enter "Eastern" in response to Question D, below. If none applies, go to the box below. ↓
Your case will initially be assigned to the <b>WESTERN DIVISION.</b> Enter "Western" in response to Question D below.	

<b>Question D: Initial Division?</b>	<b>INITIAL DIVISION IN CAGD'S</b>
Enter the initial division determined by Question A, B, or C above: ➡	



**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**CIVIL COVER SHEET**

**IX(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ NO ☐ YES

If yes, list case number(s): \_\_\_\_\_

**IX(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ NO ☐ YES

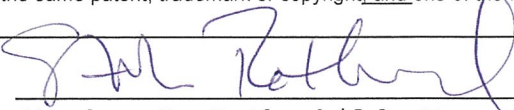
If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or  
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or  
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**X. SIGNATURE OF ATTORNEY**

**(OR SELF-REPRESENTED LITIGANT):**

  
 Stephen D. Rothschild, Esq.

DATE: April 3, 2014

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge R. Gary Klausner and the assigned Magistrate Judge is Ralph Zarefsky.

The case number on all documents filed with the Court should read as follows:

2:14-cv-02540 RGK-RZx

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

April 3, 2014

Date

By SBOURGEOIS  
Deputy Clerk

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NOTICE TO COUNSEL

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

**Subsequent documents must be filed at the following location:**

☒ Western Division  
312 N. Spring Street, G-8  
Los Angeles, CA 90012

☐ Southern Division  
411 West Fourth St., Ste 1053  
Santa Ana, CA 92701

☐ Eastern Division  
3470 Twelfth Street, Room 134  
Riverside, CA 92501

**Failure to file at the proper location will result in your documents being returned to you.**